

Attorney Docket No.: 740.009US2 (IU-0008)
Inventors: Kwon, Byoung S.
Serial No.: 10/067,122
Filing Date: February 4, 2002
Page 7

REMARKS

Box 4 of the Office Action Summary indicates that claims 9-25 are pending; however, Applicant notes that, in fact, claims 9-16 and 22-25 are currently pending in this application. Claims 13-16 have been withdrawn from consideration. Claims 9-12 and 22-25 have been rejected. Claims 9-12 and 22-24 have been amended. Claims 13-16 and 25 have been canceled. No new matter has been added by this amendment. Reconsideration is respectfully requested in light of the following remarks.

I. Election/Restriction Requirement Under 35 U.S.C. §121

The election of Group III has been acknowledged and the Examiner finds that claims 9-12 and 22-25 read on the elected invention. Thus, claims 13-16 have been withdrawn from further consideration. Accordingly, Applicant is canceling claims 13-16 without prejudice, reserving the right to file continuing applications for this subject matter.

II. Objection of the Specification

The abstract of the Disclosure has been objected to because the recited address of the ATCC has changed and the new address should appear in the specification. Applicant has amended the specification to make reference to the new address for ATCC. In addition, Applicant has updated the priority claim.

III. Rejection of Claims Under 35 U.S.C. §112

Claims 9-12 and 22-25 have been rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter

Attorney Docket No.: 740.009US2 (IU-0008)
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Page 8

which Applicant regards as the invention. Specifically, the Examiner suggests that the claims require a "mouse 4-1BB", without reference to a specific sequence identifier. It is suggested that as the specification describes a mouse 4-1BB of SEQ ID NO:2 that the broadest possible interpretation of the claim is that it is limited to a polypeptide of SEQ ID NO:2. The claims have also been rejected for reciting the word "against" which renders the bounds of the claims indefinite because the claims can be interpreted as an antibody that binds against mouse 4-1BB or an antibody that was raised against mouse 4-1BB. Further, claims 9-12 and 22-23 have been rejected for reciting the phrase "specifically recognizes an epitope" because it is unclear what limitations the word "recognizes" places on the claims. Moreover, claim 22 has been rejected for reciting "and" instead of "an" in the phrase "specifically recognizes and epitope". Claims 10 and 12 have further been rejected for reciting the incorrect address for the ATCC.

In an effort to facilitate the prosecution of the instant application, Applicant has amended the claims to read on an isolated antibody that binds to mouse receptor protein 4-1BB comprising the amino acid sequence of SEQ ID NO:2. Further, claims 10-12 and 22-25 have been amended so that they are no longer indefinite. In view of these amendments, it is respectfully requested that the rejections under 35 U.S.C. 112, second paragraph, be withdrawn.

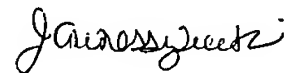
IV. Conclusion

The Applicant believes that the foregoing comprises a full and complete response to the Office Action of record.

Attorney Docket No.: 740.009US2 (IU-0008)
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Serial No.: 10/067,122
Filing Date: February 4, 2002
Page 9

Accordingly, favorable reconsideration and subsequent allowance of the pending claims is earnestly solicited.

Respectfully submitted,



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